



04-CV-02145-M

FILED
DOCKETED
JAN 3 2005
U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE
BY DEPUTY

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CITIBANK SOUTH DAKOTA, N.A.

Plaintiff,

v.

LEONARD DALTON

Defendant.

No. C04-2145Z

DEFENDANT'S
PETITION TO CONFIRM
ARBITRATION AWARD

LIMITED CIVIL CASE

Note for Docket January 21, 2005

PETITION TO CONFIRM ARBITRATION AWARD

Petitioner, Leonard M. Dalton, in his proper person, pursuant to FAA the Federal Arbitration Act, moves this Honorable Court to confirm the attached arbitration award granted by the Commercial Arbitration Forum. In support of this application, Petitioner declares and states as follows under the pains and penalties of perjury in the State of Washington that;

1. The agreement that Claimant and Respondent allegedly had under CitiBank Revolving Account #5424 1804 4723 5513, provided that any disputes shall be resolved through binding arbitration as exercised in accordance with

PETITION TO CONFIRM ARBITRATION AWARD

LEONARD DALTON
1245 Bush Point Road
Freeland, WA 98249

1 the Forum Code of Procedure. The agreement provides for arbitration of
2 disputes instead of a judge or jury. Arbitration proceedings are simpler and
3 more limited than court procedures.

4 2. The arbitrator that was chosen was a 3rd party Arbitration Company
5 and Petitioner chose to arbitrate pursuant to the alleged agreement.

6 3. The matter proceeded in accordance with the application Forum
7 Code of Procedure.

8 4. An award was entered in favor of the Petitioner on January 14,
9 2004. A copy of the award is attached as Exhibit 1. The award was in favor of
10 Claimant Dalton in the amount of \$1,500.00 and for costs and fees and interest
11 accruing at 8% from the date of the award and other provisions such as a zero
12 balance owing and no negative remarks to credit reporting agencies.

13 5. This award has not been paid or satisfied and the failure of the
14 Plaintiff to challenge the award within 90 days demonstrating the Plaintiff's
15 failure to exercise their rights under Federal law USC 9 Ch 1 § 12 renders
16 judgment due in favor of the Defendant.

17 6. The amount outstanding at this juncture is consolidated on the
18 Judgment Summary attached.

19 7. The Federal Arbitration Act, 9 USC Ch 1, et.seq. provides for a
20 successful Claimant in an arbitration hearing to move the court to confirm the
21 results as having the full force and effect of a judgment upon which execution
22 may issue.

1 WHEREFORE, the plaintiff prays that the court grant the Petition and
2 confirm this Award as enforceable as a judgment against CitiBank North Dakota,
3 NA, as follows upon which execution may issue in the amount of \$1,500.00,
4 together with interest at 8% per annum on that sum commencing on February
5 13th, 2004 30 days after the date the award was rendered plus a \$2,000 penalty
6 for damages incurred by Defendant for violations of the Fair Debt Practices Act,
7 USC 15 Ch 41, Sub V, et. seq. for falsely representing the status of the debt on
8 two occasions and \$2,500 for negligent infliction of emotional distress by
9 Plaintiff's attorney in bringing this lawsuit when they knew or should have
10 known that the suit was barred by laches Plaintiff being collaterally estopped
11 from litigation in this matter.

- 12 1. For costs as outlined in arbitration award attached hereto as Attachment
13 "1" of suit herein incurred.
- 14 2. For damages and such other and further relief as the court may deem
15 proper.

16 Respectfully submitted,

17 Dated this 31, day of December, 2004,

18 
19 Leonard M. Dalton

20 **CERTIFICATE OF SERVICE**

21 I HEREBY CERTIFY that a true and correct copy of the foregoing
22

23 DEFENDANT' S PETITION TO CONFIRM ARBITRATION AWARD LIMITED CIVIL
24 CASE with Exhibits and attachments was sent to Plaintiff;

25 CITIBANK SOUTH DAKOTA, N.A.
26 701 E 60th. Street North
PO Box 6034
Sioux Falls, SD 57104-0432

27 PETITION TO CONFIRM ARBITRATION AWARD

LEONARD DALTON
1245 Bush Point Road
Freeland, WA 98249

1
2 by first class US Mail.

3 Dated this 31, day of December, 2004

4 

Leonard M Dalton

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LEONARD DALTON
1245 Bush Point Road
Freeland, WA 98249

LEONARD M. DALTON
1245 E. BUSHPOINT RD
FREELAND, WA 98249

Claimant,

AWARD

v.

Case #: CAF20031292

CITI CARDS
PO BOX 6411
THE LAKES, NJ 88901-6411

Respondent.

Account #:
5424-1804-4723-5513

The undersigned Arbitrator in this case FINDS:

1. That no known conflict of interest exists between the Commercial Arbitration Forum, "CAF," its arbitrator, and Claimant or Respondent.
2. That on or before October 1, 2003 Claimant alleges an agreement was entered into between the Parties to resolve disputes through arbitration.
3. That Claimant alleges CAF's jurisdiction in this matter.
4. That Claimant filed a Complaint with CAF and served it on Respondent.
5. That CAF has confirmed to the parties Claimant's complaint and has provided an arbitration schedule for Respondent's Answer and arguments.
6. That each Party had opportunity to present evidence and arguments to the CAF.
7. That the Arbitrator has reviewed all evidence and arguments submitted.
8. That the evidence and arguments submitted supports the Award as stated.

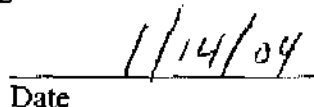
Therefore, the Arbitrator ISSUES:

An Award in favor of Claimant, for a total amount of \$1,500.00, for costs and attorney's fees, with interest accruing at 8 percent per year beginning 30 days from the date of this award, and

That Respondent is directed to notify within 30 days from the date of this award all credit reporting bureaus, that Respondent reports credit information to, including Experian, Trans-Union and Equifax, that there is a zero balance owed by Claimant to Respondent, that the account is closed with the notation "Paid as Agreed," that all negative or derogatory remarks regarding this account are removed.



Bruce E. Hawkins, Esq.
Arbitrator



Date



COMMERCIAL ARBITRATION FORUM, INC.
11430—51st Avenue NW
Suite 101A—PMB 112
Gig Harbor, WA 98332